

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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KEBA GRAZETTE,

Plaintiff,

-v-

No. 11 Civ. 8007 (LTS)(HBP)

URBAN RESOURCE INSTITUTE,

Defendant.

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ORDER

The Court has received Magistrate Judge Henry Pitman's April 9, 2013, Report and Recommendation (the "Report") which recommends that, in light of Plaintiff's preference for litigating her claims in state court, this Circuit's policy in favor of resolving claims on the merits and the lack of opposition from Defendant, this action be dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Report warned that failure to file objections within the fourteen days would result in a waiver of objections and preclude appellate review. As of the date of this Order, neither party has submitted an objection.

When reviewing a report and recommendation, the Court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C.A. § 636(b)(1)(C) (West 2006). "To accept the report and recommendation of a magistrate, to which no timely objection has been made, a district court need only satisfy itself that there is no clear error on the face of the record." Wilds v. United Parcel Service, Inc., 262 F. Supp. 2d 163, 169 (S.D.N.Y. 2003) (internal quotation marks and citation omitted). The Court has reviewed the Report thoroughly and is satisfied that it contains no clear error.

Therefore, the Court adopts the Report in its entirety.

This case is dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(a)(2). The Clerk of Court is directed to enter judgment accordingly and to close this case.

SO ORDERED.

Dated: New York, New York  
May 8, 2013

/S  
LAURA TAYLOR SWAIN  
United States District Judge

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